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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,556

10/03/2005

Ryusuke Nishida

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EXAMINER

WILLS, LAWRENCE E

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

08/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,556	Applicant(s) NISHIDA ET AL.	
	Examiner LAWRENCE E. WILLS	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-17-09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2, and 4-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawahara (US Publication No. 2003/0026592).

Regarding claims 1 and 6, Kawahara'592 teaches an editing apparatus (number 1, Fig. 1), comprising an edit list recognition unit (number 10, Fig. 1) for recognizing an edit list (EDL, paragraph 087) describing edit contents in a general-purpose data description language, the edit contents used for creating a series of video content by editing a plurality of edit material (EPL maker 10 as described in paragraph 089);

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a video content creation unit (numbers 15, 16, 17, combined with number 20 Fig. 1) for creating the video content by performing an editing process (editing terminals...effect a desired operation, paragraph 091) on the plurality of edit material based on the edit contents of the edit list (notice that number 15, 16, and 17 receiving input from 10 further described in) wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process (a format declare statement for defining a format of at least a certain material, paragraph 091) and extracting desired video content of the plurality of edit material (read out by the edit controller which will supply it to the content maker, paragraph 092) based on a plurality of edit point information (notice the time code and edit cut-in, paragraph 0114);

an editing processor (number 32, Fig.1) for performing an editing process on the video content created by the video content creation unit (raw materials are edited based on edit control signal, paragraph 096); and

an edit list creation unit (number 36, Fig.1) for creating a new edit list described in the general-purpose data description language based on the editing process executed by the editing processor (encodes data having been edited in a format based on the edit control signal, paragraph 096 and for multiple paragraph 097).

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Regarding claim 2, Kawahara'592 teach the edit list recognition unit recognizes the edit list describing effect information and meta data information as contents of the editing process (notice in the EPL, there is identification information for identifying editing materials, as shown in Fig. 2, meta data concerning an output is also stated in the EPL as described in paragraph 0107).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara (US Publication No. 2003/0026592) in view of Chakravarty (US Publication No. 2002/0175917).

Regarding claim 4, Kawahara'592 does not expressly teach the edit list recognition unit recognizes the edit list described in an XML as the general-purpose data description language.

Chakravarty'917 teaches edit list described in an XML as the general-purpose data description language (XML, paragraph 069).

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Having a system of Kawahara'592 reference and then given the well-established teaching of Chakravarty'917 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video editing system of Kawahara'592 reference to include the specific format of the file type taught by Chakravarty'917 reference, since the result of the substitution would have been predictable.

Regarding claim 5, Kawahara'592 does not expressly teach the edit list recognition unit recognizes the edit list described in an SMIL (Synchronized Multimedia Integration language) in which the XML is specialized for video data and audio data.

Chakravarty'917 teaches the edit list described in an SMIL (Synchronized Multimedia Integration language) in which the XML is specialized for video data and audio data (SMIL, paragraph 069).

Having a system of Kawahara'592 reference and then given the well-established teaching of Chakravarty'917 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video editing system of Kawahara'592 reference to include the specific format of the file type taught by Chakravarty'917 reference, since the result of the substitution would have been predictable.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

LEW
August 24, 2009